

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING**

JONATHAN MURRAY,

Plaintiff,

v.

**CIVIL ACTION NO. 5:19-CV-222
(BAILEY)**

MELISSA SAVILLE

Defendant.

MELISSA SAVILLE,

Counter Claimant,

v.

JONATHAN MURRAY,

Counter Defendant.

ORDER GRANTING DEFENDANT'S SUPPLEMENTAL MOTION TO DISMISS

Presently pending before this Court is Defendant's Supplemental Motion to Dismiss [Doc. 20]. On October 1, 2019, the plaintiff filed his Response [Doc. 23], wherein he concedes he has "no good faith basis to argue that *res judicata* does not apply regarding jurisdiction" and agrees that this matter should be dismissed without prejudice for want of jurisdiction. Upon consideration, the Motion [Doc. 20] is **GRANTED**. Accordingly, this matter is hereby **DISMISSED WITHOUT PREJUDICE**. In light of the above, the Evidentiary Hearing scheduled for October 2, 2019, is hereby **CANCELLED**. Additionally, Plaintiff Jonathan Murray's Motion to Dismiss Counterclaim [Doc. 6] is **MOOT**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: October 1, 2019.

A handwritten signature in blue ink, appearing to read "John Preston Bailey", is written over a horizontal line.

JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE